



# COPY

Atty. Dkt. No. 355492-2554

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas J. WHALEN, et al.  
Title: NOVEL HIGH VISCOSITY  
EMBOLIZING COMPOSITIONS  
Appl. No.: 09/973,951  
Filing Date: 10/11/2001  
Examiner: S. Sarareh  
Art Unit: 1617

**CERTIFICATE OF EXPRESS MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 512614985 US July 23, 2004  
(Express Mail Label Number) (Date of Deposit)

Rene Campos  
(Printed Name)

(Signature)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted, if it has not already been submitted, to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without*

*Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee. The communication in the form of a partial search report by the European Patent Office is enclosed herewith.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this supplemental information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement. The Communication in the form of a partial search report by the European Patent Office is enclosed herewith.

**FEE**

A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date July 23, 2004

By Lorna L. Tanner

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Form PTO-1449

(MODIFIED)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
355492-2554SERIAL NO.  
09/973,951

## INFORMATION DISCLOSURE CITATION

OCT 13 2004

(Use several sheets if necessary)

APPLICANT  
Thomas J. WHALEN, et al.FILING DATE  
10/11/2001GROUP ART UNIT  
1617

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		5,580,568	12-3-96	Greff, et al.	424	423	7-27-95

## FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
						YES	NO
	00/71196 A1	11-30-00	WO				
	0 291 177 A2	4-14-88	EPO				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Yamashita, et al. "Characteristics of Ethylene Vinyl Alcohol Copolymer (EVAL) Mixtures", AJNR Am. J. Neuroradiology, 15:1103-1105 (1994)

EXAMINER

DATE CONSIDERED

- \* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

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Title: NOVEL HIGH VISCOSITY EMBOLIZING COMPOSITIONS  
Inventor(s): Thomas J. WHALEN, et al.  
Dkt. No.: 355492-2554  
Appl. No.: 09/973,951 Filed: October 11, 2001

- Transmittal + duplicate (4 pgs.);
- Supplemental Information Disclosure Statement (3 pgs.);
- 1449 + duplicate (2 pgs.);
- Copy of Communication of Partial European Search Report (3 pgs.);
- Copy of cited art: 2 foreign patents and 1 article;
- Check No. 852475 in the amount of \$180.00.

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